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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,866	09/15/2005	Anahit Tataryan	AVERY-70396	1881
47533	7590	09/18/2006	EXAMINER	
INTELLECTUAL PROPERTY LAW OFFICE OF JOEL VOELZKE 400 CORPORATE POINTE, SUITE 300 CULVER CITY, CA 90230			AHMAD, NASSER	
			ART UNIT	PAPER NUMBER

1772

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/523,866

Applicant(s)

TATARYAN ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,10-14,17-19 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10-14,17-19 and 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Rejections Withdrawn***

1. Claims 1, 3, 6-7, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoyagi (4032679) made in the last Office Action has been withdrawn in view of the amendment filed on 6/27/2006.
2. Claims 1-4, 6-16 and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stipek (3914483) made in the last Office Action has been withdrawn in view of the amendment filed on 6/27/2006.
3. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipek in view of DeMatte (5985424) made in the last Office Action has been withdrawn in view of the amendment filed on 6/27/2006.
4. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipek in view of Rawlings (61708790 made in the last Office Action has been withdrawn in view of the amendment filed on 6/27/2006.
5. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipek in view of Garrison (5328538) made in the last Office Action has been withdrawn in view of the amendment filed on 6/27/2006.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-2, 5-8, 10-14, 17-19, 28-29 and newly submitted claims 30-31 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 6-7 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoyagi (4032679).

Aoyagi relates to a multi-removable label construction (figure-2) comprising a facestock layer (21) that is backed with adhesive (22), a cut pattern (24) in the facestock layer that defines a removable sub-label (21a) within said facestock layer, a release liner member (23) that backs and extends beyond said removable sub-label, and that backs less than the entire area of the facestock layer (extends upto numeral 25).

The sub-label is imprinted and the adhesive is pressure sensitive adhesive (abstract).

Aoyagi also teaches the method for re-using a portion of the label.

As for the presence of mailing information print, it is understood that the presence of printed information (as the sub-label is imprinted) will include mailing information as it is considered to be printed information.

The intended use phrase such as “may be” and the functional phrases “whereby” have not been given any patentable weight because said phrases are not found to be of positive limitations.

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9. Claims 1-2, 6-8, 10-14, 18-19 and 30-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Stipek (3914483).

Stipek relates to a multi-removable label construction (figure-1) comprising a facestock layer (17) that is backed with adhesive (19), a cut pattern (23) in the facestock layer that defines a removable sub-label (13) within said facestock layer, a release liner member (25) that backs and extends beyond said removable sub-label, and that backs less than the entire area of the facestock layer (figure-1).

Figure-1 shows that the label is imprinted.

The facestock layer comprises pressure sensitive adhesive coated paper (col. 1, lines 51-54).

The construction of figure-1 shows that the label comprises a plurality of labels.

Further, the multi-label sheet assembly comprises a first removable label (13), a second removable label (41) that is formed within the first removable label (figures 1 and 2).

Stipek also teaches a method of re-using a portion of the label comprising the steps of providing the label, attaching the first label to a first substrate (figure-3), removing at least one second label and attaching it to a second substrate (figure-4).

Regarding the print being mailing information, it is understood by the examiner that the presence of printed information of the facestock would include mailing information as it is considered to printed information.

The intended use phrase such as "may be", "to be mailed", etc. and the functional phrases "whereby" have not been given any patentable weight because said phrases are not found to be of positive limitations.

10. Claims 8, 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Crawley (3822492).

Crawley relates to a multi-label sheet assembly (figure-1) comprising first removable means (figure-3) for providing a first removable label, said first removable means having mailing information printed thereon; and second removable means (figure-6) for providing at least one second removable label, wherein the at least one second removable label is formed by and within the first removable label (figure-1).

The second removable label means comprises information printed thereon (figures 3-6) for claim 10.

For claim 11, the first removable label comprises a return address removable label and the at least one second removable label comprises a send address removable label (figures 3-6).

Regarding claim 12, a method for re-using a portion of a label comprising the steps providing the label, attaching the first removable label to a first substrate said first object to be mailed, removing the at least one second removable label from the first removable label by removing at least a portion of the face stock layer and the adhesive layer, and attaching the at least one second removable label to said second object to be mailed.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipek in view of DeMatte (5985424).

Stipek, as discussed above, fails to teach that the facestock layer comprises an ink jet Ink receptive coating. DeMatte relates to a paper support provided with inkjet ink receptive coating (abstract) to provide for sharp image of prints. Therefore, it would have been obvious to one having ordinary skill in the art to utilize DeMatte's teaching of using an inkjet ink receptive coating of a paper label support in the invention of Stipek with the motivation to provide for sharp printed image.

13. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipek in view of Rawlings (61708790).

Stipek, as discussed above, fails to teach the presence of a second release liner backing the first release liner. Rawlings relates to a piggy-back label construction comprising a first release liner backed by a second release liner as shown in figure-3. therefore, it would have been obvious to one having ordinary skill in the art to utilize Rawlings' teaching of using a second release liner backing the first release liner in the invention of Stipek with the motivation to provide for re-usability of the label.

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Regarding the presence of fourth and fifth line of weaknesses of claim 28, it would have been obvious duplication of parts, absent any showing of criticality by the applicant.

### ***Response to Arguments***

14. Applicant's arguments filed 6/27/2006 have been fully considered but they are not persuasive.

Applicant argues that both Aoyagi and Stipek fails to teach the printing of mailing information on the labels. This is not found to be convincing because both Aoyagi and Stipek anticipates the label structure as claimed, including information printed thereon. As for the information being mailing information, it is understood by the examiner that the information printed would include mailing information as the mailing information is considered to be printed information.

In response to applicant's argument that claim 12 is a method claim which depend from claim 1, applicant should note that the amended claim 12 now depends from claim 8. as for the steps of attaching, removing and attaching the labels, both the Aoyagi and the Stipek references teaches said method steps.

Regarding claims 13, 28 and new claims 30-31, the above explanation apply *a fortiori* herein for the printed mailing information.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP



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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/14/06  
Nasser Ahmad  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
September 14, 2006.